



General Assembly

Bill No. 5029

February Session, 2008

LCO No. 723

00723_____

Referred to Committee on Government Administration and Elections

Introduced by:

REP. CAFERO, 142nd Dist.

SEN. MCKINNEY, 28th Dist.

AN ACT CONCERNING THE ETHICS CODE FOR GOVERNMENT OFFICIALS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (k) of section 1-79 of the 2008 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective July 1, 2008*):

4 (k) "Public official" means any state-wide elected officer, any
5 member or member-elect of the General Assembly, any person
6 appointed to any office of the legislative, judicial or executive branch
7 of state government by the Governor or an appointee of the Governor,
8 with or without the advice and consent of the General Assembly, any
9 public member or representative of the teachers' unions or state
10 employees' unions appointed to the Investment Advisory Council
11 pursuant to subsection (a) of section 3-13b, any person appointed or
12 elected by the General Assembly or by any member of either house
13 thereof, the spouse of the Governor and any member or director of a

14 quasi-public agency, but shall not include a member of an advisory
15 board, a judge of any court either elected or appointed or a senator or
16 representative in Congress.

17 Sec. 2. Section 1-83 of the 2008 supplement to the general statutes is
18 repealed and the following is substituted in lieu thereof (*Effective July*
19 *1, 2008*):

20 (a) (1) All state-wide elected officers, members of the General
21 Assembly, department and division heads and their deputies, all
22 professional employees of the legislative branch, including chiefs of
23 staff, committee administrators, attorneys, research analysts and fiscal
24 analysts, any state employee whose responsibilities include
25 participating in the award of contracts for goods or services valued at
26 ten thousand dollars or more, the Governor's and Lieutenant
27 Governor's chiefs of staff, members of the Gaming Policy Board, the
28 executive director of the Division of Special Revenue within the
29 Department of Revenue Services, members or directors of each quasi-
30 public agency, members of the Investment Advisory Council, state
31 marshals and such members of the Executive Department and such
32 employees of quasi-public agencies as the Governor shall require, shall
33 file, under penalty of false statement, a statement of financial interests
34 for the preceding calendar year with the Office of State Ethics on or
35 before the May first next in any year in which they hold such a
36 position. Any such individual who leaves his or her office or position
37 shall file a statement of financial interests covering that portion of the
38 year during which such individual held his or her office or position.
39 The Office of State Ethics shall notify such individuals of the
40 requirements of this subsection not later than thirty days after their
41 departure from such office or position. Such individuals shall file such
42 statement within sixty days after receipt of the notification.

43 (2) Each state agency, department, board and commission shall
44 develop and implement, in cooperation with the Office of State Ethics,
45 an ethics statement as it relates to the mission of the agency,

46 department, board or commission. The executive head of each such
47 agency, department, board or commission shall be directly responsible
48 for the development and enforcement of such ethics statement and
49 shall file a copy of such ethics statement with the Department of
50 Administrative Services and the Office of State Ethics.

51 (b) [(1)] The statement of financial interests [, except as provided in
52 subdivision (2) of this subsection,] shall include the following
53 information for the preceding calendar year in regard to the individual
54 required to file the statement and the individual's spouse and
55 dependent children residing in the individual's household: [(A)] (1)
56 The names of all businesses with which associated and the names of all
57 business partners; [(B)] (2) all sources of income, including the name of
58 each employer, with a description of each source, in excess of one
59 thousand dollars, without specifying amounts of income; [(C)] (3) the
60 name of securities in excess of five thousand dollars at fair market
61 value owned by such individual, spouse or dependent children or held
62 in the name of a corporation, partnership or trust for the benefit of
63 such individual, spouse or dependent children; [(D)] (4) the existence
64 of any known blind trust and the names of the trustees; [(E)] (5) all real
65 property and its location, whether owned by such individual, spouse
66 or dependent children or held in the name of a corporation,
67 partnership or trust for the benefit of such individual, spouse or
68 dependent children; [(F)] (6) the names and addresses of creditors to
69 whom the individual, the individual's spouse or dependent children,
70 individually, owed debts of more than ten thousand dollars and the
71 terms on which such credit was extended, including interest rate, term,
72 security and guarantor, if any; [(G)] (7) any leases or contracts with the
73 state held or entered into by the individual or a business with which he
74 or she was associated [;] and the value and term of any such contract
75 or lease; [(H)] (8) a description of any partnership, joint ownership or
76 similar business affiliation between [(i)] (A) a business included under
77 [subparagraph (A)] subdivision (1) of this [subdivision] subsection
78 with which the individual filing the statement, the individual's spouse
79 or a dependent child of the individual is associated, and [(ii)] (B) a

80 lobbyist, a person that the individual filing the statement knows or has
 81 reason to know is doing business with or seeking to do business with
 82 the state or is engaged in activities that are directly regulated by the
 83 department or agency in which the individual is employed, or a
 84 business with which such lobbyist or person is associated; (9) the name
 85 of any investment valued at ten thousand dollars or more bought or
 86 sold during the year and the purchase price or sale price of such
 87 investment; (10) the location of any real property bought or sold
 88 during the year and the purchase price or sale price of such real
 89 property; (11) any gift valued at more than one hundred dollars
 90 received from anyone other than a spouse, fiancée, parent, step-parent,
 91 grandparent, sibling, child, step-child, or spouse of any such parent,
 92 grandparent, sibling, child or step-child; and (12) for all state-wide
 93 elected officials and members of the General Assembly, any provision
 94 of a public or special act introduced, sponsored or promoted by such
 95 official or member that provides funding for any nonstate entity,
 96 regardless of whether such funding provision was contained within a
 97 bill or amendment listing the official or member as a sponsor or
 98 introducer.

99 [(2) The statement of financial interests filed by state marshals shall
 100 include only amounts and sources of income earned in their capacity
 101 as state marshals.]

102 (c) The statement of financial interests filed pursuant to this section
 103 shall be a matter of public information. [, except the list of names, filed
 104 in accordance with subparagraph (F) of subdivision (1) of subsection
 105 (b) of this section shall be sealed and confidential and for the use of the
 106 Office of State Ethics only after a complaint has been filed under
 107 section 1-82 and such complaint has been determined by a vote of the
 108 board to be of sufficient merit and gravity to justify the unsealing of
 109 such list or lists and not open to public inspection unless the
 110 respondent requests otherwise.] If the board reports its findings to the
 111 Chief State's Attorney in accordance with subsection (c) of section 1-88,
 112 the board shall turn over to the Chief State's Attorney such relevant

113 information contained in the statement as may be germane to the
114 specific violation or violations or a prosecutorial official may subpoena
115 such statement in a criminal action. Unless otherwise a matter of
116 public record, the Office of State Ethics shall not disclose to the public
117 any such subpoena which would be exempt from disclosure by the
118 issuing agency.

119 (d) Any individual who is unable to provide information required
120 under the provisions of [subdivision (1) of] subsection (b) of this
121 section by reason of impossibility may petition the board for a waiver
122 of the requirements.

123 (e) For purposes of this section, "gift" includes any food, lodging or
124 travel provided to a state-wide elected official or member of the
125 General Assembly in his or her official capacity by any entity other
126 than the state.

127 Sec. 3. Section 1-225 of the 2008 supplement to the general statutes is
128 repealed and the following is substituted in lieu thereof (*Effective July*
129 *1, 2008*):

130 (a) The meetings of all public agencies, except executive sessions, as
131 defined in subdivision (6) of section 1-200, shall be open to the public.
132 The votes of each member of any such public agency upon any issue
133 before such public agency shall be reduced to writing and made
134 available for public inspection within forty-eight hours and shall also
135 be recorded in the minutes of the session at which taken. [which] Not
136 later than seven days after the session to which such minutes refer, the
137 minutes shall be available for public inspection [within seven days of
138 the session to which they refer] and posted on the agency's website.

139 (b) Each such public agency of the state shall file not later than
140 January thirty-first of each year in the office of the Secretary of the
141 State the schedule of the regular meetings of such public agency for the
142 ensuing year and shall post such schedule on the agency's website,
143 except that such [provision] requirements shall not apply to the

144 General Assembly, either house thereof or to any committee thereof.
145 Any other provision of the Freedom of Information Act
146 notwithstanding, the General Assembly at the commencement of each
147 regular session in the odd-numbered years, shall adopt, as part of its
148 joint rules, rules to provide notice to the public of its regular, special,
149 emergency or interim committee meetings. The chairperson or
150 secretary of any such public agency of any political subdivision of the
151 state shall file, not later than January thirty-first of each year, with the
152 clerk of such subdivision the schedule of regular meetings of such
153 public agency for the ensuing year, and no such meeting of any such
154 public agency shall be held sooner than thirty days after such schedule
155 has been filed. The chief executive officer of any multitown district or
156 agency shall file, not later than January thirty-first of each year, with
157 the clerk of each municipal member of such district or agency, the
158 schedule of regular meetings of such public agency for the ensuing
159 year, and no such meeting of any such public agency shall be held
160 sooner than thirty days after such schedule has been filed.

161 (c) The agenda of the regular meetings of every public agency,
162 except for the General Assembly, shall be available to the public and
163 shall be filed, not less than twenty-four hours before the meetings to
164 which they refer, (1) in such agency's regular office or place of
165 business, and (2) in the office of the Secretary of the State for any such
166 public agency of the state, in the office of the clerk of such subdivision
167 for any public agency of a political subdivision of the state or in the
168 office of the clerk of each municipal member of any multitown district
169 or agency. For any such public agency of the state, such agenda shall
170 be posted on the public agency's and the Secretary of the State's web
171 sites. Upon the affirmative vote of two-thirds of the members of a
172 public agency present and voting, any subsequent business not
173 included in such filed agendas may be considered and acted upon at
174 such meetings.

175 (d) Notice of each special meeting of every public agency, except for
176 the General Assembly, either house thereof or any committee thereof,

177 shall be posted on the agency's website not less than twenty-four hours
178 prior to the meeting to which such notice refers and given not less than
179 twenty-four hours prior to the time of such meeting by filing a notice
180 of the time and place thereof in the office of the Secretary of the State
181 for any such public agency of the state, in the office of the clerk of such
182 subdivision for any public agency of a political subdivision of the state
183 and in the office of the clerk of each municipal member for any
184 multitown district or agency. The secretary or clerk shall cause any
185 notice received under this section to be posted in his office. Such notice
186 shall be given not less than twenty-four hours prior to the time of the
187 special meeting; provided, in case of emergency, except for the General
188 Assembly, either house thereof or any committee thereof, any such
189 special meeting may be held without complying with the foregoing
190 requirement for the filing of notice but a copy of the minutes of every
191 such emergency special meeting adequately setting forth the nature of
192 the emergency and the proceedings occurring at such meeting shall be
193 filed with the Secretary of the State, the clerk of such political
194 subdivision, or the clerk of each municipal member of such multitown
195 district or agency, as the case may be, not later than seventy-two hours
196 following the holding of such meeting. The notice shall specify the
197 time and place of the special meeting and the business to be transacted.
198 No other business shall be considered at such meetings by such public
199 agency. In addition, such written notice shall be delivered to the usual
200 place of abode of each member of the public agency so that the same is
201 received prior to such special meeting. The requirement of delivery of
202 such written notice may be dispensed with as to any member who at
203 or prior to the time the meeting convenes files with the clerk or
204 secretary of the public agency a written waiver of delivery of such
205 notice. Such waiver may be given by telegram. The requirement of
206 delivery of such written notice may also be dispensed with as to any
207 member who is actually present at the meeting at the time it convenes.
208 Nothing in this section shall be construed to prohibit any agency from
209 adopting more stringent notice requirements.

210 (e) No member of the public shall be required, as a condition to

211 attendance at a meeting of any such body, to register the member's
212 name, or furnish other information, or complete a questionnaire or
213 otherwise fulfill any condition precedent to the member's attendance.

214 (f) A public agency may hold an executive session, as defined in
215 subdivision (6) of section 1-200, upon an affirmative vote of two-thirds
216 of the members of such body present and voting, taken at a public
217 meeting and stating the reasons for such executive session, as defined
218 in section 1-200.

219 (g) In determining the time within which or by when a notice,
220 agenda, record of votes or minutes of a special meeting or an
221 emergency special meeting are required to be filed under this section,
222 Saturdays, Sundays, legal holidays and any day on which the office of
223 the agency, the Secretary of the State or the clerk of the applicable
224 political subdivision or the clerk of each municipal member of any
225 multitown district or agency, as the case may be, is closed, shall be
226 excluded.

227 Sec. 4. Section 9-622 of the general statutes is repealed and the
228 following is substituted in lieu thereof (*Effective July 1, 2008*):

229 The following persons shall be guilty of illegal practices and shall be
230 punished in accordance with the provisions of section 9-623:

231 (1) Any person who, directly or indirectly, individually or by
232 another person, gives or offers or promises to any person any money,
233 gift, advantage, preferment, entertainment, aid, emolument or other
234 valuable thing for the purpose of inducing or procuring any person to
235 sign a nominating, primary or referendum petition or to vote or refrain
236 from voting for or against any person or for or against any measure at
237 any election, caucus, convention, primary or referendum;

238 (2) Any person who, directly or indirectly, receives, accepts,
239 requests or solicits from any person, committee, association,
240 organization or corporation, any money, gift, advantage, preferment,

241 aid, emolument or other valuable thing for the purpose of inducing or
242 procuring any person to sign a nominating, primary or referendum
243 petition or to vote or refrain from voting for or against any person or
244 for or against any measure at any such election, caucus, primary or
245 referendum;

246 (3) Any person who, in consideration of any money, gift, advantage,
247 preferment, aid, emolument or other valuable thing paid, received,
248 accepted or promised to the person's advantage or any other person's
249 advantage, votes or refrains from voting for or against any person or
250 for or against any measure at any such election, caucus, primary or
251 referendum;

252 (4) Any person who solicits from any candidate any money, gift,
253 contribution, emolument or other valuable thing for the purpose of
254 using the same for the support, assistance, benefit or expenses of any
255 club, company or organization, or for the purpose of defraying the cost
256 or expenses of any political campaign, primary, referendum or
257 election;

258 (5) Any person who, directly or indirectly, pays, gives, contributes
259 or promises any money or other valuable thing to defray or towards
260 defraying the cost or expenses of any campaign, primary, referendum
261 or election to any person, committee, company, club, organization or
262 association, other than to a campaign treasurer, except that this
263 subdivision shall not apply to any expenses for postage, telegrams,
264 telephoning, stationery, express charges, traveling, meals, lodging or
265 photocopying incurred by any candidate for office or for nomination to
266 office, so far as may be permitted under the provisions of this chapter;

267 (6) Any person who, in order to secure or promote the person's own
268 nomination or election as a candidate, or that of any other person,
269 directly or indirectly, promises to appoint, or promises to secure or
270 assist in securing the appointment, nomination or election of any other
271 person to any public position, or to any position of honor, trust or
272 emolument; but any person may publicly announce the person's own

273 choice or purpose in relation to any appointment, nomination or
274 election in which the person may be called to take part, if the person is
275 nominated for or elected to such office;

276 (7) Any person who, directly or indirectly, individually or through
277 another person, makes a payment or promise of payment to a
278 campaign treasurer in a name other than the person's own, and any
279 campaign treasurer who knowingly receives a payment or promise of
280 payment, or enters or causes the same to be entered in the person's
281 accounts in any other name than that of the person by whom such
282 payment or promise of payment is made;

283 (8) Any person who knowingly and wilfully violates any provision
284 of this chapter;

285 (9) Any person who offers or receives a cash contribution in excess
286 of one hundred dollars to promote the success or defeat of any political
287 party, candidate or referendum question;

288 (10) Any person who solicits, makes or receives a contribution that
289 is otherwise prohibited by any provision of this chapter;

290 (11) Any department head or deputy department head of a state
291 department, chief of staff in the office of the Governor or chief of staff
292 for any legislative caucus who solicits a contribution on behalf of, or
293 for the benefit of, any candidate for state, district or municipal office or
294 any political party;

295 (12) Any municipal employee who solicits a contribution on behalf
296 of, or for the benefit of, any candidate for state, district or municipal
297 office, any political committee or any political party, from (A) an
298 individual under the supervision of such employee, or (B) the spouse
299 or a dependent child of such individual; or

300 (13) Any person who makes a coordinated expenditure for a
301 candidate without the knowledge of said candidate. No candidate
302 shall be civilly or criminally liable with regard to any such coordinated

303 expenditure.

304 Sec. 5. (NEW) (*Effective July 1, 2008*) (a) As used in this section,
305 "municipality" means municipality as defined in section 3-76c of the
306 general statutes.

307 (b) Not later than July 1, 2010, each municipality shall adopt a code
308 of ethics that shall include, but not be limited to, the provisions of the
309 model code described in subsection (f) of this section. Any
310 municipality that adopts a code of ethics on or before July 1, 2008, shall
311 not be required to adopt a new code of ethics. However, if any
312 municipality adopts a code of ethics on or before July 1, 2008, that does
313 not include the provisions of the model code described in subsection
314 (f) of this section, or stricter provisions, such municipality shall, not
315 later than July 1, 2010, amend its code of ethics to include such model
316 code provisions.

317 (c) Not later than July 1, 2010, each municipality shall establish a
318 procedure for investigating allegations of violations of the code of
319 ethics adopted by such municipality unless such municipality
320 establishes such a procedure before July 1, 2010.

321 (d) Not later than July 1, 2010, each municipality shall establish a
322 policy for the disclosure of financial interests of its public officials and
323 employees unless such municipality establishes such a policy on or
324 before July 1, 2010.

325 (e) Two or more municipalities may jointly carry out the
326 requirements of this section.

327 (f) The Citizen's Ethics Advisory Board shall, not later than January
328 1, 2010, establish a model code of ethics for municipalities.

329 (g) The Office of State Ethics shall assist any municipality in
330 carrying out the provisions of this section.

331 Sec. 6. (NEW) (*Effective July 1, 2008*) As used in this section and

332 sections 7 and 8 of this act:

333 (1) "Crime related to state office" means any of the following
334 criminal offenses committed by a public official or state employee:

335 (A) The committing, aiding or abetting of an embezzlement of
336 public funds from the state or a quasi-public agency;

337 (B) The committing, aiding or abetting of any felonious theft from
338 the state or a quasi-public agency;

339 (C) Bribery in connection with service as a public official or state
340 employee; or

341 (D) The committing of any felony by such person who, wilfully and
342 with the intent to defraud, realizes or obtains, or attempts to realize or
343 obtain, a profit, gain or advantage for himself or herself or for some
344 other person, through the use or attempted use of the power, rights,
345 privileges or duties of his or her position as a public official or state
346 employee.

347 (2) "Public official" means public official as defined in section 1-79 of
348 the general statutes, as amended by this act.

349 (3) "Quasi-public agency" means quasi-public agency as defined in
350 section 1-79 of the general statutes, as amended by this act.

351 (4) "State employee" means state employee as defined in section 1-79
352 of the general statutes, as amended by this act.

353 Sec. 7. (NEW) (*Effective July 1, 2008*) (a) Notwithstanding any
354 provision of the general statutes, if any public official or state
355 employee is convicted or pleads guilty or nolo contendere to a crime
356 related to state office, the court, as part of the sentence imposed, may
357 revoke or reduce any retirement or other benefit or payment of any
358 kind to which the public official or state employee is otherwise entitled
359 under the general statutes for service as a public official or state

360 employee.

361 (b) In determining whether such retirement or other benefit or
362 payment shall be revoked or reduced, the court shall consider and
363 make findings on the following factors:

364 (1) The severity of the crime related to state office for which the
365 public official or state employee has been convicted or to which the
366 public official or state employee has pled guilty or nolo contendere;

367 (2) The amount of monetary loss suffered by the state or a quasi-
368 public agency or by any other person as a result of the crime related to
369 state office;

370 (3) The degree of public trust reposed in the public official or state
371 employee; and

372 (4) Any such other factors as, in the judgment of the court, justice
373 may require.

374 (c) If the court determines that a retirement or other benefit or
375 payment should be revoked or reduced, it may, after taking into
376 consideration the financial needs and resources of any innocent
377 spouse, dependents and designated beneficiaries of the public official
378 or state employee, order that some or all of the revoked or reduced
379 benefit or payment be paid to any innocent spouse, dependent or
380 beneficiary as justice may require.

381 Sec. 8. (NEW) (*Effective July 1, 2008*) (a) Any public official or state
382 employee whose retirement or other benefits or payments are revoked
383 pursuant to section 7 of this act shall be entitled to a return of his or
384 her contribution paid into the relevant pension fund, without interest.

385 (b) Notwithstanding the provisions of subsection (a) of this section,
386 no payments in return of contributions shall be made or ordered
387 unless and until the Superior Court determines that the public official
388 or state employee whose retirement or other benefits or payments have

389 been reduced or revoked under section 7 of this act has satisfied in full
390 any judgments or orders rendered by any court of competent
391 jurisdiction for the payment of restitution for losses incurred by any
392 person as a result of the crime related to state office. If the Superior
393 Court determines that the public official or state employee whose
394 retirement or other benefits or payments have been reduced or
395 revoked under section 7 of this act has failed to satisfy any outstanding
396 judgment or order of restitution rendered by any court of competent
397 jurisdiction, it may order that any funds otherwise due to the public
398 official or state employee as a return of contribution, or any portion
399 thereof, be paid in satisfaction of such judgment or order.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2008</i>	1-79(k)
Sec. 2	<i>July 1, 2008</i>	1-83
Sec. 3	<i>July 1, 2008</i>	1-225
Sec. 4	<i>July 1, 2008</i>	9-622
Sec. 5	<i>July 1, 2008</i>	New section
Sec. 6	<i>July 1, 2008</i>	New section
Sec. 7	<i>July 1, 2008</i>	New section
Sec. 8	<i>July 1, 2008</i>	New section

Statement of Purpose:

To implement the Governor's budget recommendations.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]